THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11331 of 1997

Dated: 06.07.2006

Between
Kalavalapudi Madhusudhana Rao and others

…..Petitioners

and

The Government of A.P.
Irrigation and CAD (Project Wing)
Department, represented by its Secretary,
Secretariat Building, Hyderabad and others

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11331 of 1997

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in proposing to complete the KP Canal of Telugu Ganga Project situated at Jangalapalle village, Venkatagiri Mandal, Nellore District and release water therein without acquiring the houses of the petitioners as illegal and arbitrary.

It is the case of the petitioners that they are all residents of Jangalapalli village of Venkatagiri Mandal, Nellore District. The village consists of 123 houses in total and all the residents of the said village including the petitioners are weavers by occupation and they are eking out their livelihood from the income derived from it. About 10 years back, the Government of Andhra Pradesh has taken up Telugu Ganga Project for supply of water to Madras. In pursuance thereof, the 1st respondent proposed to acquire the lands in their village for the formation of KP canal which is part of Telugu Ganga Project. The said canal passes touching their village on the Southern side. The formation of said canal includes the formation of canal, the bunds on either side and a road on the sourthen side of the canal. In view of the same, the houses belonging to them come under formation of the road. In addition to this, due to the elevation of the canal, vis-à-vis the village, there is a threat of seepage of water into the weaving pits

as the said pits are already affected due to seepage of water from near by tank called Jangalapalli Tank. In view of the same, they represented to the Nodal Officer on 1.11.1995. Basing on the said representation, the Chief Engineer-4th respondent inspected all the houses of the village on 29.11.1995 and directed the 6th respondent to conduct joint inspection with the Special Deputy Collector. The 6th respondent made a joint inspection along with the Deputy Tahsildar and Special Surveyor. Basing on the said joint inspection, the Special Deputy Collector submitted a report to the 6th respondent dated 5.1.1996 stating that all the weavers are seriously affected due to seepage of water in their waving pits. Therefore, unless and until, the land acquisition proceedings are initiated, they will be put to irreparable loss.

A detailed counter affidavit has been filed by the 5th respondent stating that the formation of K.P.Canal (TGP) which is actually due to nearby Jangalapalli Irrigation Tank situated on upstream side of the village. Due to the flow of water in KP Canal and also due to stagnation of water in the Canal, the seepage effect may be slightly increased. The acquisition of the houses pertaining to the petitioners will be considered only after releasing the water into KP Canal. Due to the existing nature of the soils adjacent to the Canal, the seepage through Canal into the village may be considerable, when the canal runs at the F.S.L conditions to the required length to the village. Necessary lining component is also provided in the Project estimate to minimize the seepage effect.

In the counter the apprehension of the petitioners is not denied and it says that necessary lining component is also

provided to minimize the seepage effect of the water. The formation of the road beside the Canal is also not effecting the houses of the Jangalapalli village. Therefore, there is no necessity of acquiring the lands of the petitioners.

In view of the assertions made in the counter and also in the facts and circumstances of the case, I am of the opinion that the respondents shall conduct a fresh enquiry into the matter after conducting a joint inspection along with the villagers and take a fresh decision as to whether there is any requirement of acquiring the houses of the petitioners in view of the seepage of water and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly. No costs.

_____

06.07.2006

rkk